

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|   |   |                     |
|---|---|---------------------|
| <b>FRANK D'ELIA, M.D.</b>                         | : |                     |
|   | : |                     |
| <b>Plaintiff,</b>                                 | : | <b>CIVIL ACTION</b> |
|   | : |                     |
| <b>v.</b>   | : |                     |
|   | : |                     |
| <b>UNUM LIFE INSURANCE COMPANY<br/>OF AMERICA</b> | : | <b>NO. 15-3040</b>  |
|   | : |                     |
| <b>Defendant.</b>                                 | : |                     |

**ORDER**

**AND NOW**, this 15th day of August, 2016, upon consideration of Defendant Unum Life Insurance Company of America's Choice of Law Motion Regarding Applicability of ERISA [Doc. No. 15], Plaintiff Frank D'Elia, M.D.'s Response in Opposition [Doc. No. 18], Defendant's Reply Brief [Doc. No. 22], Plaintiff's Sur-reply Brief [Doc. No. 25], Defendant's Sur-sur-reply Brief [Doc. No. 27], Plaintiff's Supplement to the Sur-reply [Doc. No. 28], and Defendant's Response to the Supplement to the Sur-reply [Doc. No. 29], it is hereby **ORDERED** that the Motion is **GRANTED**. Plaintiff's claims against Defendant shall be governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, et seq.

It is so **ORDERED**.

**BY THE COURT:**

/s/Cynthia M. Rufe

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**CYNTHIA M. RUFÉ, J.**